

REMARKS

The Office Action of May 26, 2009, has been reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1, 7-9, 16, 17, 19-21, 25 and 31-34 have been amended. No new matter has been added. Claims 1-27 and 30-40 remain pending in this application.

Allowable Subject Matter

Applicant thanks Examiner Nguyen Ba for indicating that the application contains patentable subject matter.

Claim Objections

Claims 1, 7-9, 17, 19-21 and 25 stand objected to because of various informalities, and have been indicated to be allowable if corrected to overcome the objection. Applicant has addressed the objection by amending the claims as shown above. Accordingly, Applicant respectfully requests that the objection be withdrawn.

Double Patenting

Claims 1 and 25 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 4 of U.S. Patent No. 7,106,338.

Applicant has filed herewith a terminal disclaimer over U.S. Patent No. 7,106,338. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

Rejections under 35 U.S.C. § 101

Claim 1 stands rejected as being directed to non-statutory subject matter. Applicant respectfully traverses.

Claim 1 has been amended to recite “an IPG computing device,” thus tying the steps to a particular machine. As a result, Applicant submits that claim 1 satisfies the requirements of 35 U.S.C. § 101. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

CONCLUSION

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3000.

Respectfully submitted,
BANNER & WITCOFF, LTD.

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